

**REMARKS**

Claims 1 to 16 were pending in the present application; claims 8 to 14 were withdrawn from consideration. Applicant has amended claims 1, 5, 15, and 16, and canceled claims 8 to 14. Claims 1 to 7, 15, and 16 remain pending.

**§102 Rejections**

The Examiner rejected claims 1 to 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,577,142 ("Mueller-Fiedler et al."). Addressing claim 1, the Examiner stated:

Claim 1 is rejected as Mueller shows a substrate T2 or T3, a lens Li above the substrate, and a laser LD above the lens and substrate. Basically just picture the assembly of Mueller-Fiedler rotated 180 degrees or equivalent turned upside down in orientation. Claim 1 is broad and structurally undistinguishable over '142.

February 14, 2006 Office Action, p. 2.

Claim 1 recites a "laser submount on top of which a laser is mounted, comprising a substrate" and "a lens above the substrate and below the laser." Claim 1. The Examiner has cited carrier T2 or T3 of Mueller-Fiedler et al. as the recited laser submount substrate. However, carrier T2 or T3 cannot be the recited laser submount substrate because laser diode LD is mounted on carrier T1 and not on carrier T2. In other words, Mueller-Fiedler et al. does not disclose a laser submount substrate on top of which both lens Li and laser LD are mounted. Accordingly, the Examiner has impermissibly cited two distinct and different elements (carriers T1 and T2) against a single claim element (the laser submount substrate) in claim 1.

To stress this distinction and to show the positional relationship between the laser submount substrate, the lens, and the laser, Applicant has amended claim 1 to further recite that the laser submount includes "a top layer on top of which a laser is mounted, the top layer being above the lens." This relationship is simply not disclosed by Mueller-Fiedler et al. Accordingly, amended claim 1 is patentable over Mueller-Fiedler et al.

Claims 2 to 7 depend from amended claim 1 and are patentable over Mueller-Fiedler et al. for at least the same reasons as amended claim 1.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 15 and 16 are allowable if amended to independent form. Applicant has amended claims 15 and 16 to independent form. Accordingly, claims 15 and 16 are in condition for allowance.

Summary

In summary, claims 1 to 16 were pending in the above-identified application; claims 8 to 14 were withdrawn from consideration. Applicant has amended claims 1, 5, 15, and 16, and canceled claims 8 to 14. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 1 to 7, 15, and 16. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

## Certification of Facsimile Transmission

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Respectfully submitted,



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